

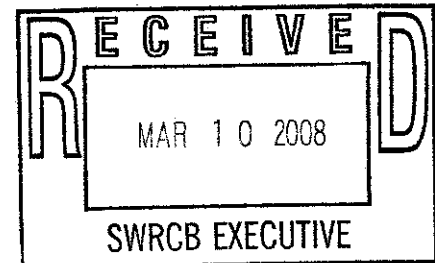


IRVINE RANCH WATER DISTRICT

15600 Sand Canyon Avenue • P.O. Box 57000 • Irvine, California 92619-7000 • (949) 453-5300 • www.irwd.com

March 10, 2008

Tam Doduc, Chair and Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Dear Chair Doduc and State Board Members:

On behalf of the Irvine Ranch Water District, I write to express our opposition to the adoption of the current draft State Water Resources Control Board Recycled Water Policy. We applaud the Board's commitment to the development of a Statewide Recycled Water Policy designed to encourage and promote increased water recycling across the state. However, we had hoped that the revised policy would help achieve the state's goal of removing barriers to use of recycled water and do not believe that the current draft, as written, accomplishes this goal. As such, we respectfully request that the Board postpone adoption of this document at this time.

IRWD is widely recognized as a leader in recycled water not only in California but throughout the nation. We were one of the first agencies in the state to distribute recycled water directly from our reclamation plant more than 40 years ago. The majority of IRWD's recycled water is used for landscape irrigation in parks, golf courses, school grounds, city street medians, homeowner associations and other public areas. Recycled water is also used for toilet and urinal flushing in approximately 30 office buildings, for cooling towers, and for industrial uses such as carpet dyeing. IRWD maintains a completely separate recycling pipeline system of over 300 miles. In fiscal year 2005/2006, IRWD delivered approximately 22,000 acre feet of recycled water to more than 3,800 customers.

Given the critical role that recycled water plays in our region, we are deeply concerned about the policy's lack of clarity on a variety of issues and about the impact it would have, if adopted, on the use of recycled water supplies across the state. While we appreciate some of the revisions to the prior draft, such as removal of the requirements to provide financial assurances and the adjustment of the provisions relating to the maximum total dissolved solids, there continue to be numerous policy provisions that could be significantly detrimental to viability of recycled water programs, projects, and use throughout California. These concerns include:

- The Policy allows the Regional Water Board to establish recycled water limits based on narrative toxicity objectives which are more stringent than drinking water standards and have no scientific basis. This provision undermines an agency's ability to plan for projects by creating uncertainty as to what limits might be established, at what level, and what the costs may be.
- The approach to groundwater monitoring is unclear. One provision implies monitoring is not needed while other provisions give Regional Boards the authority to require

monitoring under certain circumstances. This ambiguity further contributes to the lack of clarity which impedes project planning and could undermine cohesive development of the regional monitoring plans needed to truly support regional salinity management.

- The policy lacks clarity as to what is meant by “nutrient management practices.” Many water recyclers produce water that exceeds the proposed 3 mg/L threshold and without further clarification, planning efforts will be impeded by uncertainty as to treatment requirements and costs. The 3 mg/L nitrogen threshold for recycled water is a fraction of the 10 mg/L nitrate threshold currently allowed for domestic water. Since, significantly more domestic water is used for landscape irrigation than recycled water, this provision results in conflicting regulations, further contributing the uncertainty and ambiguity created by the draft policy.
- There is a presumption that local agencies can control water softeners to limit salts. This is not accurate. There are legal limitations and practical obstacles for prospective controls on water residential water softeners and there is no ability to retrospectively ban them. This real limitation of a local agencies’ authority to conduct source control efforts must be recognized if the policy is to truly advance water recycling.
- The anti-degradation language does not adequately address the components of the Anti-degradation Policy, specifically with regard to defining prevention of nuisance and pollution, maximum benefit, and best practical treatment and control. Without addressing this issue, the Board cannot ensure that the policy will not have an adverse affect on beneficial uses.
- The policy includes numerous references to the Cleans Water Act without explaining how the Act is relevant or applicable to recycled water irrigation and recharge. This uncertainty about the policy’s intent related to Clean Water Act compliance creates unnecessary ambiguity that can significantly impair the development of projects.

IRWD appreciates the State Board's commitment to increasing the use of recycled water in California and the Board's efforts to create consistency across the state. We fully support the statewide goals of recycling one million acre feet per year of highly treated wastewater; however, we remain skeptical of a “one size fits all” policy that may eliminate the regional flexibility necessary to address the diverse and complex challenges faced in different areas of the state. We also have great concerns about the inconsistencies and ambiguities in policy created in the current draft. It is important that any statewide policy adopted by the State Board related to recycled water allows for current and planned recycled water projects to continue and expand to meet the state's growing water needs. It is for these reasons that we urge you not to adopt the proposed draft Recycled Water Policy for California at this time. Thank you for the opportunity to provide comments on this important issue. If we can be of further assistance, please do not hesitate to contact me.

Sincerely,



Paul D. Jones II
General Manager